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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,728	09/19/2003	Jennifer Amys	1640.001US1	6050
21186	7590	03/25/2008		
SCHWEGMAN, LUNDBERG & WOESSNER, P.A. P.O. BOX 2938 MINNEAPOLIS, MN 55402			EXAMINER	
			ADAMS, CHARLES D	
		ART UNIT	PAPER NUMBER	
		2164		
		MAIL DATE	DELIVERY MODE	
		03/25/2008	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/666,728	<b>Applicant(s)</b> AMY'S ET AL.
	<b>Examiner</b> CHARLES D. ADAMS	<b>Art Unit</b> 2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 03 January 2008.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-3 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-3 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_

5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

**DETAILED ACTION**

***Remarks***

1. In response to communications filed on 3 January 2008, claim 1 is amended.

Claims 1-3 are pending in the application.

***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

- 3a. Claim 2 is rejected under 35 U.S.C. 101 because the claim 2 is directed to non-functional descriptive material. Specifically, the claim 2 is directed towards a 'data structure'.

Descriptive material can be characterized as either "functional descriptive material" or "nonfunctional descriptive material." Both types of "descriptive material" are nonstatutory when claimed as descriptive material *per se*, 33 F.3d at 1360, 31 USPQ2d at 1759. When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. Compare *In re Lawry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994).

Merely claiming nonfunctional descriptive material, i.e., abstract ideas, stored on a computer-readable medium, in a computer, or on an electromagnetic carrier signal,

does not make is statutory. See *Diehr*, 450 U.S. at 185-186, 209 USPQ at 8 (noting that the claims for an algorithm in *Benson* were unpatentable as abstract ideas because “[t]he sole practical application of the algorithm was in connection with the programming of a general purpose computer.”).

A data structure is an abstract idea, as it is merely a collection of data, and lacks the functionality that characterizes algorithms.

In addition, claim 2 is also rejected because the claims fail to place the invention squarely within one statutory class of invention. On page 6, lines 1-4 of the instant specification, applicant has provided evidence that applicant intends the “medium” to include signals. As such, the claim is drawn to a form of energy. Energy is not a series of steps or acts and thus is not a manufacture. Energy is not a combination of substances and therefore not a composition of matter.

3b. Claim 3 is rejected under 35 U.S.C. 101 because the claim 3 lacks the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC 101. Though the claims are directed towards a system, no hardware is claimed. The system is not a machine or manufacture. They are clearly not a series of steps or acts to be a process nor are they a combination of chemical compounds to be a composition of matter. As such, they fail to fall within a statutory category. They are, at best, functional descriptive material *per se*.

Descriptive material can be characterized as either "functional descriptive material" or "nonfunctional descriptive material." Both types of "descriptive material" are nonstatutory when claimed as descriptive material *per se*, 33 F.3d at 1360, 31 USPQ2d at 1759. When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. Compare *In re Lawry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994).

Merely claiming nonfunctional descriptive material, i.e., abstract ideas, stored on a computer-readable medium, in a computer, or on an electromagnetic carrier signal, does not make it statutory. See *Diehr*, 450 U.S. at 185-186, 209 USPQ at 8 (noting that the claims for an algorithm in *Benson* were unpatentable as abstract ideas because "[t]he sole practical application of the algorithm was in connection with the programming of a general purpose computer.").

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 2 is rejected under 35 U.S.C. 102(e) as being anticipated by Horn et al. (US Pre-Grant Publication 2002/0156688).

As to claim 2, Horn et al. teaches a data structure stored in a storage medium, comprising:

A transaction specification database that contains specifications and schema for one or more transaction types and key values of each transaction type (see paragraph [0519]);

A life cycle Index table that contains the key values of the processed transactions and assigned life cycle IDs for the key values (see paragraphs [0509]-[0515]);

An archive database that contains the archived documents or items and their life cycle IDs (see paragraph [0519]);

A log details database that provides chronological order to transactions by logging and time stamping each transaction parsed (see paragraph [0522]); and

Wherein:

Transaction data stored within the data structure is associated with transactions (see paragraphs [0519]), and

Data associated with a single transaction and stored in each of the transaction specification database, the life cycle Index table, the archive database, and the log detail database is searchable by a retrieval processor in a single query, wherein the retrieval processor is a computer process (see paragraph [0521]).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abjanic (US Patent 6,732,175) in view of Horn et al. (US Pre-Grant Publication 2002/0156688).

As to claim 1, Abjanic teaches a method comprising:

receiving, from two or more different software systems, electronic data relating to a transaction involving documentation communicated in an electronic form (see 3:52-65.  
Multiple clients exist);

Processing copies of the electronic data to identify electronic documentation items and at least one key value associated with an electronic documentation item (see 4:43-49, 5:51-67);

Abjanic does not teach using the at least one key value to look up a unique transaction identifier associated with the transaction, wherein the transaction includes one unique transaction identifier and two or more associated key values;

Horn et al. teaches using the at least one key value to look up a unique transaction identifier associated with the transaction, wherein the transaction includes one unique transaction identifier and two or more associated key values (see

paragraphs [0508], [0517], [0519]-[0521]. Paragraph [0521] states that queries may be used to identify the purchase of a particular product during a particular shopping session. Thus, an ItemID can be used to identify a Unique Transaction ID)

Abjanic as modified teaches:

Indexing the documentation items according to the at least one key value and transaction identifier (see Horn et al. paragraph [0521]);

Archiving the documentation items in a data storage system or device (see Horn et al. paragraph [0508] and [0519]-[0521]); and

Logging one or more of a date and time associated with at least some of the documentation items (see paragraphs Horn et al. [0509]-[0515] and [0522]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Abjanic by the teachings of Horn et al., because Horn et al. teaches "a comprehensive system effectuates global electronic commerce on the Internet across frontiers of nations, cultures, and languages" and "personalized Web pages allow comprehensive customer service after a sale" (see Abstract).

As to claim 3, Abjanic teaches a system comprising:

A first interface used to couple the system with a first external system producing first electronic data relating to a transaction involving documentation communicated in an electronic form, wherein the first electronic data includes at least a first key value (see 3:52-65, 4:43-49, 5:51-67);

A second interface used to couple the system with a second external system producing second electronic data relating to the transaction, wherein the second electronic data includes at least a second key value (see 3:52-65, 4:43-49, 5:51-67); and

Wherein the system is operable to:

Process copies of the first and second electronic data to identify electronic documentation items and at least one key value associated with an electronic documentation item (see 4:43-49 and 5:51-67);

Abjanic does not teach:

Use the key value to look up a unique transaction identifier associated with the transaction;

Horn et al. teaches:

Use the key value to look up a unique transaction identifier associated with the transaction (see paragraphs [0508] and [0519]-[0521]. Paragraph [0521] states that queries may be used to identify the purchase of a particular product during a particular shopping session. Thus, an ItemID can be used to identify a Unique Transaction ID);

Abjanic as modified teaches:

Index the documentation items according to key value and unique transaction identifier (see Horn et al. paragraph [0521]);

Archive the documentation items (see Horn et al. paragraph [0508] and [0519]-[0521]); and

Log one or more of a date and time associated with at least some of the documentation items (see Horn et al., paragraphs [0509]-[0515] and [0522]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Abjanic by the teachings of Horn et al., because Horn et al. teaches "a comprehensive system effectuates global electronic commerce on the Internet across frontiers of nations, cultures, and languages" and "personalized Web pages allow comprehensive customer service after a sale" (see Abstract).

#### ***Response to Arguments***

7. Applicant's arguments with respect to claims 1 and 3 have been considered but are moot in view of the new ground(s) of rejection.

As to claim 2, Applicant states that "claims 2 and 3 include similar elements and as claim 1 and are equally distinguishable over Horn". However, Examiner cannot find any limitations in claim 2 that describe multiple different external systems creating transactions, as exist in claims 1 and 3.

***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHARLES D. ADAMS whose telephone number is (571)272-3938. The examiner can normally be reached on 8:30 AM - 5:00 PM, M - F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. T. T./  
Primary Examiner, Art Unit 2162

/C. D. A./  
Examiner, Art Unit 2164

/Charles Rones/  
Supervisory Patent Examiner, Art Unit 2164